

74-1190

OGC Has Reviewed

4 June 1974

STATINTL

MEMORANDUM FOR:

OLC

SUBJECT

: S. 3418

1. We have only a few comments on S. 3418 which establishes a Federal Privacy Board.

2. The various features of the bill are set out in the Congressional Record of 1 May 1974 beginning at page S6741 as outlined by Senator Ervin. Essentially the bill would severely regulate any personal information gathering system by private persons and organizations and by federal and other governments. There are so many restrictions and so many disclosure requirements that this Agency, I believe, could not adequately perform its intelligence functions. By way of indicating the problems the bill would pose, it should be noted that the rights provided under the bill apply equally to U. S. citizens and to persons "of a foreign nationality, whether residing in the United States or not."

3. The objectionable features of the bill are in Title II which, however, also provides that that Title shall not apply to personal information systems "to the extent that information in such systems is maintained by a Federal agency, and the head of that agency determines that the release of the information would seriously damage national defense." Thus the Director would have the power to exempt our personal information systems from the main features of the bill and I believe that in good conscience he could, and indeed would have to, take such action. In view of this provision, I think the Agency response to Chairman Ervin should be to the effect that the Agency has no real concern with the bill in its present form, but if the quoted exemption were to be removed we would object to enactment.

STATINTL

Associate General Counsel